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VIA ECF

Honorable Margo K. Brodie
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: ***Smigiel v. College of Staten Island*, Case No. 21-cv-06323 (MKB)(RML)**
Response to Request for Pre-Motion Conference

Dear Judge Brodie,

This firm represents the Plaintiffs in the above-referenced matter (the “Action”). We write pursuant to the Court’s Individual Rules and in response to Defense Counsel’s March 4, 2022, letter requesting a pre-motion conference concerning Defendants’ proposed motion to dismiss.

I. Background

Plaintiff Daniel Smigiel (“Smigiel”) filed the present Action on behalf of himself (“Plaintiff”) after the Defendants actions subjected Plaintiff to harassment, breach of contract and violations of his due process rights under 42 U.S.C. §1983.

II. Defendant’s Proposed Motion to Dismiss

Defendant’s counsel proposes a Pre-Motion Conference in regard to their forthcoming Motion to Dismiss. Plaintiff’s counsel faced a medical emergency in 2021 that rendered him legally blind. It is anticipated that accommodations will be needed to litigate this present claim due to his onset of blindness.

To not delay the proceedings of the Court, Plaintiff will not contest Defendant’s request to file a Motion to Dismiss should the Court deem the request appropriate. Plaintiff will then respond to such Motion. Plaintiff respectfully requests that this Court grant Plaintiff additional time to respond to Defendant’s Motion to Dismiss allowed to proceed by this Court.

We thank the Court for its consideration of the above.

Respectfully Submitted,

/s/Keith Altman, Esq.